



Senate

General Assembly

January Session, 2005

File No. 559

Senate Bill No. 824

Senate, April 28, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT PROHIBITING LAW ENFORCEMENT ACCESS TO
RECORDED INFORMATION IN "BLACK BOXES" IN MOTOR
VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this
2 section, "event data recorder" means a device that is installed in a
3 motor vehicle that (1) records how fast the vehicle is traveling, (2)
4 records the direction in which the motor vehicle is traveling, (3)
5 records a history of where the vehicle travels, (4) records steering
6 performance, (5) records brake performance, including whether brakes
7 are applied before an accident, (6) records the usage of the driver's seat
8 belt, or (7) has the ability to transmit information concerning an
9 accident in which the vehicle is involved to a central communications
10 system.

11 (b) No peace officer, as defined in section 53a-3 of the general
12 statutes, may obtain or use information stored on or transmitted from

13 an event data recorder in a motor vehicle unless (1) the owner or lessee
14 of the motor vehicle consents in writing, or (2) such officer obtains or
15 uses the information pursuant to a search warrant issued under the
16 provisions of section 54-33a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	New section
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is not anticipated to have a fiscal impact on the state. The bill requires that before a peace officer obtains data from an event data recorder, they must have (1) written consent from the owner or lessee of the vehicle, or (2) a search warrant. On average, the Department of Public Safety obtains information from 12 data recorders per year. This number is expected to increase as the number of motor vehicles produced with event data recorders increases.

OLR Bill Analysis

SB 824

**AN ACT PROHIBITING LAW ENFORCEMENT ACCESS TO
RECORDED INFORMATION IN "BLACK BOXES" IN MOTOR
VEHICLES****SUMMARY:**

This bill prohibits a peace officer from obtaining or using information stored on or transmitted from an event data recorder in a motor vehicle unless the officer (1) gets the written consent of the vehicle owner or lessee or (2) gets or uses the information pursuant to a search warrant. It defines an "event data recorder" as a device that (1) records (a) vehicle speed or direction of travel, (b) steering or brake performance, including whether brakes were applied before an accident, (c) a history of where the vehicle travels, or (d) driver seat belt usage or (2) has the ability to transmit information concerning an accident in which the vehicle is involved to a central communications system.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Peace Officer***

Besides members of the Division of State Police and local police officers, "peace officer" includes inspectors of the Division of Criminal Justice, state and judicial marshals while performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, certain special policemen (for state property, public assistance fraud investigation, or public utility or transportation companies), adult probation officers, Department of Correction personnel authorized by the commissioner to make arrests in correctional facilities, investigators from the office of the State Treasurer, or special federal agents authorized to enforce federal food and drug laws.

Event Data Recorders

Event data recorders are devices installed in some models of motor vehicles that perform functions similar to flight data recorders in aircraft. Not all motor vehicles are currently equipped with event data recorders but the number of models so equipped is increasing. There is no standard event data recorder. Some track a relatively small amount of data such as vehicle acceleration and deceleration. Others track more data such as speed, braking, steering, seat belt use, air bag deployment, and other information. Typically, it records and erases data so that the most recent five to eight seconds of data is retained. After a collision, some recorders can move this data to memory and record up to six seconds of data relating to what happens after the start of the crash, such as the timing and deployment of air bags and initiation of an automatic collision notification system.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 2